

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
Marc D. Powers  
mpowers@bakerlaw.com  
Matthew R. Goldman  
mgoldman@bakerlaw.com

*Counsel for Plaintiffs Extended Stay  
Litigation Trust, and Hobart Truesdell  
and Walker, Truesdell, Roth & Associates,  
as Trustees of the Extended Stay Litigation Trust*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

EXTENDED STAY, INC. *et al.*,  
  
Debtors.

WALKER, TRUESDELL, ROTH &  
ASSOCIATES, as Trustee for and on behalf  
of the EXTENDED STAY LITIGATION  
TRUST,

HOBART TRUESDELL, as Trustee for and  
on behalf of the Extended Stay Litigation  
Trust, and

THE EXTENDED STAY LITIGATION  
TRUST,

Plaintiffs,

v.

The Blackstone Group, L.P., Blackstone  
Holdings I L.P., Blackstone Holdings II L.P.,

Chapter 11 Case No.

No. 09-13764 (JMP)

(Jointly Administered)

Adv. Pro. No. 11-2398

**PLAINTIFFS' NOTICE OF MOTION  
TO WITHDRAW THE REFERENCE**

**ORAL ARGUMENT REQUESTED**

Blackstone Holdings III L.P., Blackstone Holdings IV L.P., Blackstone Holdings V L.P., Blackstone Holdings I/II GP, Inc., Blackstone Holdings III GP L.L.C., Blackstone Holdings IV GP L.P., Blackstone Holdings V GP L.P., Blackstone Real Estate Partners IV L.P., Blackstone Capital Partners IV L.P., BHAC IV, LLC, BRE/HV Holdings LLC, Blackstone Hospitality Acquisitions, LLC, Prime Hospitality, LLC, DL-DW Holdings, LLC, Lightstone Holdings LLC, The Lightstone Group, LLC, PGRT ESH Inc., Lightstone Commercial Management, Arbor ESH II, LLC, Arbor Commercial Mortgage, LLC, Princeton ESH LLC, Atmar Associates, LLC, Glida One LLC, Ron Invest LLC, Polar Extended Stay (USA) L.P., BHAC Capital IV, LLC, BRE/ESH Holdings, LLC, ABT-ESI LLC, Mericash Funding LLC, Park Avenue Funding LLC, Bank of America, N.A., Citigroup Global Markets Inc., Ebury Finance Limited, Banc of America Securities LLC, David Lichtenstein, Bruno de Vinck, Peyton “Chip” Owen, Jr., Guy R. Milone, Jr., Joseph Chetrit, Joseph Teichman, Joseph Martello, F. Joseph Rogers, David Kim, Gary DeLapp, Jonathan D. Gray, William Stein, Michael Chae, Robert L. Friedman, Thomas Burdi, Gary Sumers, Dennis J. McDonagh, Alan Miyasaki, and JOHN DOES 1 through 100, inclusive,

Defendants.

WALKER, TRUESDELL, ROTH & ASSOCIATES, as Trustee for and on behalf of the EXTENDED STAY LITIGATION TRUST,

HOBART TRUESDELL, as Trustee for and on behalf of the Extended Stay Litigation Trust, and

THE EXTENDED STAY LITIGATION TRUST,

Adv. Pro. No. 11-2254

Plaintiffs,

v.

The Blackstone Group, L.P., Blackstone Holdings I L.P., Blackstone Holdings II L.P., Blackstone Holdings III L.P., Blackstone Holdings IV L.P., Blackstone Holdings V L.P., Blackstone Holdings I/II GP, Inc., Blackstone Holdings III GP L.L.C., Blackstone Holdings IV GP L.P., Blackstone Holdings V GP L.P., Blackstone Real Estate Partners IV L.P., Blackstone Capital Partners IV L.P., BHAC IV, LLC, BRE/HV Holdings LLC, Blackstone Hospitality Acquisitions, LLC, Prime Hospitality, LLC, DL-DW Holdings, LLC, Lightstone Holdings LLC, The Lightstone Group, LLC, PGRT ESH Inc., Lightstone Commercial Management, Arbor ESH II, LLC, Arbor Commercial Mortgage, LLC, Princeton ESH LLC, Atmar Associates, LLC, Glida One LLC, Ron Invest LLC, Polar Extended Stay (USA) L.P., BHAC Capital IV, LLC, BRE/ESH Holdings, LLC, ABT-ESI LLC, Mericash Funding LLC, Park Avenue Funding LLC, Bank of America, N.A., Citigroup Global Markets Inc., Ebury Finance Limited, Banc of America Securities LLC, David Lichtenstein, Bruno de Vinck, Peyton “Chip” Owen, Jr., Guy R. Milone, Jr., Joseph Chetrit, Joseph Teichman, Joseph Martello, F. Joseph Rogers, David Kim, Gary DeLapp, Jonathan D. Gray, William Stein, Michael Chae, Robert L. Friedman, Thomas Burdi, Gary Summers, Dennis J. McDonagh, Alan Miyasaki, and JOHN DOES 1 through 100, inclusive,

Defendants.

**PLAINTIFFS' NOTICE OF MOTION TO WITHDRAW  
THE REFERENCE OF THE ABOVE-CAPTIONED  
ADVERSARY PROCEEDING TO THE BANKRUPTCY COURT**

TO THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK:

**PLEASE TAKE NOTICE** that the Plaintiffs, Walker, Truesdell, Roth & Associates, as Trustee for and on behalf of the Extended Stay Litigation Trust (the "Trust"), Hobart Truesdell, as Trustee for and on behalf of the Trust (collectively, the "Trustee") and the Trust, respectfully move the United States District Court for the Southern District of New York for entry of an order, pursuant to 28 U.S.C. § 157(d), Federal Rule of Bankruptcy Procedure 5011 and 5011-1 of the Local Rules of the Bankruptcy Court, withdrawing the reference of the above-captioned adversary proceeding to the Bankruptcy Court for the reasons set forth in the accompanying Memorandum of Law and Declaration of Marc D. Powers, and exhibits thereto, which are hereby incorporated by reference.

**PLEASE TAKE FURTHER NOTICE** that the Plaintiffs have made no prior request to this Court or to any other court for the relief requested by this Motion.

**WHEREFORE**, the Plaintiffs respectfully request that the Court enter an order granting the relief requested herein, and such other and further relief as the Court deems just and appropriate.

Dated: New York, New York  
July 29, 2011

Respectfully submitted,

**BAKER & HOSTETLER LLP**

/s/ Marc D. Powers  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

Marc D. Powers  
[mpowers@bakerlaw.com](mailto:mpowers@bakerlaw.com)  
Matthew R. Goldman  
[mgoldman@bakerlaw.com](mailto:mgoldman@bakerlaw.com)  
Benjamin D. Pergament  
[bpergament@bakerlaw.com](mailto:bpergament@bakerlaw.com)  
George Klidonas  
[gklidonas@bakerlaw.com](mailto:gklidonas@bakerlaw.com)

AND

Brian A. Bash (*pro hac vice* application  
forthcoming)  
[bbash@bakerlaw.com](mailto:bbash@bakerlaw.com)  
Wendy J. Gibson (*pro hac vice* application  
forthcoming)  
[wgibson@bakerlaw.com](mailto:wgibson@bakerlaw.com)  
Baker & Hostetler LLP  
PNC Center  
1900 East 9th Street, Suite 3200  
Cleveland, OH 44114-3482  
Telephone: (216) 621-0200  
Facsimile: (216) 696-0740

*Counsel for Plaintiffs Extended Stay Litigation  
Trust, and Hobart Truesdell and Walker,  
Truesdell, Roth & Associates, as Trustees of  
the Extended Stay Litigation Trust*